

REMARKS

Status of Claims

Claims 1-28 are currently pending and under examination. Claims 26-28 have been amended to recite that these claims are “methods of treatment” claims instead of “use” claims in accordance with US practice.

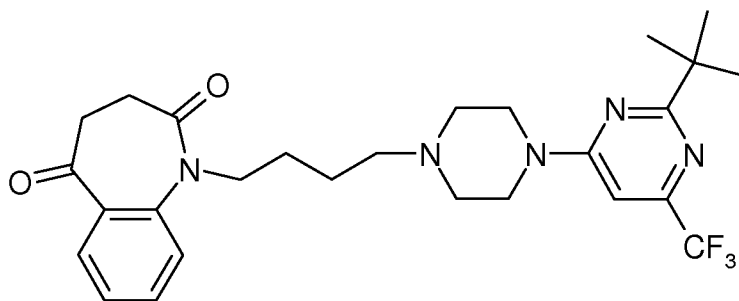
Claims 29-32 have been added. Support for these new claims can be found throughout the specification, such as for example, on page 14, lines 29-37 and page 25 of the specification.

Applicants believe that with the addition of these 4 dependent claims, that \$208.00 of additional claim fees will be due and owing. Authorization is given to the Examiner to charge these additional claim fees to deposit account number 50-1662.

No new matter has been added as a result of any of these claim amendments.

Response to Restriction Requirement and Election

In response to the Request for Restriction mailed on May 15, 2009, Applicants herewith elect the compound of Example 3, which, for the convenience of the Examiner, is shown below.



Compound 3, corresponds to a compound having formula I, wherein

R^x and R^y together with the carbon atoms to which they are attached form a fused phenyl ring;

A is a group N-C(O)- with the carbonyl carbon connected to B;

B is CH₂;

R^v and R^w are both hydrogen;

D is (CH₂)₄; and

the ring structure NZ is a piperazine radical, wherein one nitrogen atom is attached to D and the other nitrogen atom carries a radical R^a which is a 2-tert-butyl-6-trifluoromethyl-pyrimidin-4-yl radical (i.e. R^a is E-Ar with E being a bond and Ar being pyrimidin-4-yl which carries 2 substituents R^b, one R^b being a tert-butyl radical and the other being a CF₃-radical (See, also Formula I-Aa.a on page 25 of the specification).

The compound of Example 3 is encompassed by claims 1 to 11, 14, 15, 17-21 and 24 as well as new claims 29-32.

This election is made without traverse.

CONCLUSION

The application now is considered in good and proper form for allowance. If the Examiner has any questions regarding the above, or would like to discuss any aspect of the application further, he is respectfully requested to contact the undersigned attorney.

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